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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,370	11/09/2001	Benjamin Angeles Escobar JR.	D8908-2	1628

7590 12/03/2003

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EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,370

Applicant(s)

ESCOBAR, BENJAMIN ANGELES

Examiner

Carlos Ortiz-Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-19 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/15/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. It does not identify the city and either state or foreign country of **residence** of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. **37 CFR 1.98(b)** requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Allowable Subject Matter

4. Claim 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-3,6, and 8-19 rejected under 35 U.S.C. 102(e) as being anticipated by DeWitt et al. U.S Pub. No. 2003/0014376.

Regarding claim 1, DeWitt et al. disclose a method of processing material, comprising:

placing the material onto a milling line for processing(see page 1, para[0003] lines 3-5);

initializing a sensor positioned to sense a measurement of a predetermined characteristic of a predetermined portion of the material, the sensor protected by a sensor housing(see page 2, para[0029] lines 6-8);

initializing a stepper motor, disposed proximate the line, to a predetermined position(see page 2, para[0027] lines 1-3);

processing the material at a predetermined location along the milling line(see page 2, para[0027] lines 3-4);

sensing a predetermined characteristic of the material on the milling line(see page 2, para[0029] line 2);

calculating an adjustment of the material in a predetermined plane using the sensed characteristic(see page 2, para[0022] lines 1-4);

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sending a signal to the stepper motor based on the calculated adjustment, if the adjustment is non-zero(see page 2, para[0027]);
and retaining the sensed characteristic of the material for certification of the sensed characteristic(see page 2, para[0022] lines 15-16).

Regarding claim 2, DeWitt et al. further discloses the method further comprises sensing a predetermined characteristic of the material on the milling line by physical contact of the sensor with the material to be processed(see page 2, para[0029] line 3).

Regarding claim 3, DeWitt et al. further discloses the method wherein the sensed characteristic comprises a measurement of a predetermined portion of the material in a single plane(see page 2, para[0029] lines 4-6).

Regarding claim 6, DeWitt et al. further discloses the method comprising generating a certification of the predetermined characteristic based on the retaining sensed characteristic(see page 2, para[0022] lines 15-16).

Regarding claim 8, DeWitt et al. further discloses the method wherein the certification is generated in real-time(inherent).

Regarding claim 9, DeWitt et al. further discloses the method wherein the material is at least one of metal, plastic, glass, paper, organic materials, and composites(see page 2, para[0022] lines 15-16).

Regarding claim 10, DeWitt et al. further discloses the method wherein the processing is at least one of cutting, shaping, etching, assembling, welding, progressive dies, stamping, and riveting(see abstract line 8).

Regarding claim 11, DeWitt et al. further discloses a device for processing material, adaptable for use with an existing manufacturing device, comprising: a milling line, comprising: a table on which material may be placed for processing(see Fig 1); and a materials processor(see page 1, para[0003] lines 3-5) at least one stepper motor disposed proximate the milling line, the stepper motor useful to control a directional movement of material placed onto the milling line for milling, the stepper motor operatively in contact with the material to affect positioning of the material on the table(see page 2, para[0027] lines); a mainframe disposed proximate the existing manufacturing device(see page 2, para[0022] lines 3-5); a positioner disposed proximate a first end of the mainframe(see page2, para[0025] line 2); a protected sensor for sensing a predetermined characteristic of the material, the sensor disposed proximate the mainframe and the materials to be processed(see page2, para[0029] lines 6-8); a controller for issuing stepper motor commands(see page 2, para[0027] lines 1-6);

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a measurement sensor disposed proximate the mainframe(see page 2, para[0029] lines 4-6), the sensor capable of measuring a predetermined dimension of the material in real-time(is inherent to De Witt et al.;

and a computer operatively in communication with the controller and the sensors, the computer programmed to: receive signals from the measurement sensor; issue control directives to the controller for use in controlling the stepper motor; and concurrently generate a certification of the measured predetermined dimensions(see page 2, para[0022]); and receive the measured predetermined dimensions of the material in real-time from the controller is inherent to DeWitt et al.

Regarding claim 12, DeWitt et al. further discloses the system further comprising a plurality of stepper motors(see page2, para[0027] and para[0033] lines 7-12);.

Regarding claim 13, DeWitt et al. further discloses the system further comprising a tensioner connected to the stepper motor for maintaining a predetermined pressure between the stepper motor and the material(see page 2, para[0033] lines5-6).

Regarding claim 14, DeWitt et al. further discloses the system wherein the measurement sensor is at least partially in physical contact with the material to be processed(see page 2, para[0029] line 3).

Regarding claim 15, DeWitt et al. further discloses the system wherein the measurement sensor comprises pressure sensors, acoustic sensors, and optical sensors(see page 6, para[0074] lines 3-4).

Regarding claim 16, DeWitt et al. further discloses a device for processing a material, comprising:

a milling table for movably accepting material to be processed(see Fig 1);

a plurality of stepper motors operatively connected to the milling table, at least one first stepper motor being capable of moving the material in a first plane(see page2, para[0027] and para[0033] lines 7-12);

a materials processor(see page 1, para[0003] lines 3-5);

a measurement sensor situated within a sensor housing(see page 2, para[0029] lines 6-8);

a controller operatively connected to the measurement sensor and the plurality of stepper motors (see page 2, para[0027]);

and a computer operatively in communication with the controller; wherein the computer calculates an adjustment of the material on the milling table using a sensed measurement; the computer provides the controller with data useful in controlling at least one of the stepper motors based on the calculated adjustment; and the computer concurrently generates a certification of the sensed measurements(see page 2, para[0022]).

Regarding claim 17, DeWitt et al. further discloses the system further comprising a tensioner connected to at least one of the plurality of stepper motors for maintaining a

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predetermined pressure between the stepper motor and the material(see page 2, para[0033] lines5-6).

Regarding claim 18, DeWitt et al. further discloses the system wherein the measurement sensor is at least partially in physical contact with the material to be processed(see page 2, para[0029] line 3).

Regarding claim 19, DeWitt et al. further discloses the system wherein the measurement sensor comprises pressure sensors, acoustic sensors, and optical sensors(see page 6, para[0074] lines 3-4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt et al. U.S. Pub No. 2003/0014376 in view of DeWitt et al. U.S. Pub No. 2002/0104782.

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Regarding claims 4 and 5 DeWitt et al. U.S Pub No. 2003/0014376 discloses all the limitations of base claim 1 as stated above. But, DeWitt et al. U.S Pub No. 2003/0014376 fails to clearly specify details regarding the measurement of the side of the material.

However, DeWitt et al. U.S. Pub No. 2002/0104782 disclose the method wherein the sensed characteristic comprises a measurement of length of at least one side of the material and a diagonal of the material(see page 17, para[0165]).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the above invention suggested by DeWitt et al. U.S Pub No. 2003/0014376 and combining it with the invention disclosed by DeWitt et al. U.S. Pub No. 2002/0104782. The results of this combination would lead to system and method for manufacturing a material using concurrent dimension certification.

One of ordinary skill in the art would have been motivated to do this modification in order to make the system more efficient and accelerating the process by obtaining the correct size of the material.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to system and method for manufacturing a material using concurrent dimension certification:

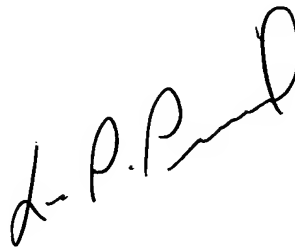
- a. U.S. Pat. No. 4,285,258 to Logan et al., which discloses device for translating and rotating a cutting platen with respect to a reciprocal cutter.
- b. U.S. Pat. No. 5,660,262 to Landrum et al., which discloses high speed carton feeding/turning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (703) 305-8009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The central official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Carlos Ortiz-Rodriguez
Patent Examiner
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A handwritten signature in black ink, appearing to read "L. P. Picard", written diagonally across the page.

cror

November 25, 2003

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100